

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

FILED

SEP 23 2014

ROBERT ANTHONY BURCUM, SR.,)

Petitioner,)

v.)

TRACY McCOLLUM, Warden,)

Respondent.)

By PATRICK KEANEY
Clerk, U.S. District Court
Deputy Clerk

No. CIV 13-415-RAW-KEW

OPINION AND ORDER
DENYING MOTION FOR APPOINTMENT OF COUNSEL

Petitioner has filed a motion requesting the court to appoint counsel, because of his disabilities and alleged impediments to his access to the courts. He bears the burden of convincing the court that his claim has sufficient merit to warrant appointment of counsel. *McCarthy v. Weinberg*, 753 F.2d 836, 838 (10th Cir. 1985) (citing *United States v. Masters*, 484 F.2d 1251, 1253 (10th Cir. 1973)). The court has carefully reviewed the merits of petitioner's claim, the nature of factual issues raised in his allegations, and his ability to investigate crucial facts. *McCarthy*, 753 F.2d at 838 (citing *Maclin v. Freake*, 650 F.2d 885, 887-88 (7th Cir. 1981)). After considering petitioner's ability to present his claims and the complexity of the legal issues raised by the claims, the court finds that appointment of counsel is not warranted. *See Williams v. Meese*, 926 F.2d 994, 996 (10th Cir. 1991); *See also Rucks v. Boergermann*, 57 F.3d 978, 979 (10th Cir. 1995).

ACCORDINGLY, petitioner's motion (Docket No. 21) is DENIED.

IT IS SO ORDERED this 23rd day of September 2014.

Ronald A. White
RONALD A. WHITE
UNITED STATES DISTRICT JUDGE